

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 98-127 (SEC)

PUERTO RICO ELECTRIC POWER
AUTHORITY

Defendant

**UNITED STATES' RESPONSE TO P.R. ELECTRIC POWER AUTHORITY'S
MOTION FOR TERMINATION OF PROBATION**

COMES NOW, the United States of America by its undersigned attorney and files this Response to Motion for Termination of Probation, and in support thereof avers the following:

1. On or about July 18, 2002, this Court entered an Order extending the term of probation of the defendant Puerto Rico Electric Power Authority (PREPA) in accordance with the Settlement Agreement reached by the parties.
2. PREPA's probation was extended eighteen (18) months under the Order referred to in paragraph 1, which provided: "Said term may be modified by any further extension or reduction in accordance with the terms of the [Settlement] Agreement." See July 18, 2002 Order paragraph 1. Under the Court's Order, the extension of probation began, " . . . on the date that the Visible Emissions Compliance Auditor (VECA) is selected and approved by the Court."
3. The Settlement Agreement referred to in paragraph 1 required PREPA to burn .50% sulfur fuel for twenty-four (24) months.

US v PR Electric Power Authority

Criminal No. 98-127 (SEC)

Page 2

4. The VECA was approved by the Court on May 5, 2003. Therefore, the probation expires on May 5, 2005.

5. The United States believes, and therefore avers that PREPA has performed very well while on probation. However, requiring PREPA to serve the full term of its probation, as agreed, will give the United States the benefit of its bargain represented by the Settlement Agreement, giving the community the protection of the full term of probation, further insures that PREPA completes its conditions of probation while under the supervision of the District Court.

WHEREFORE, the United States Respectfully request that the Court not terminate the defendant's probation until May 5, 2005.

Respectfully submitted. In San Juan, Puerto Rico, this 5th day of April, 2005.

H.S. Garcia
United States Attorney

s/ Sonia I. Torres
Sonia I. Torres-209310
Assistant U. S. Attorney
Room 1201, Torre Chardon
350 Carlos Chardón Street
San Juan, Puerto Rico 00918
Tel. (787)766-5656

US v PR Electric Power Authority

Criminal No. 98-127 (SEC)

Page 3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date, April 5, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. An exact copy of this motion will be sent by regular mail to: counsel for Puerto Electric Power Authority (PREPA) addressed as follows:

Marco A. Gonzalez, Esquire
Duane Morris, LLP
744 Broad Street, 12th Floor
Newark, NJ 07102
Phone: (973) 424-2012
Fax: (973) 424-2001

s/ Sonia I. Torres
Sonia I. Torres-209310
Assistant U. S. Attorney